IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:10ev204

RDLG, LLC,)	
Plaintiff,)	
v.) ORDEI	R
RPM GROUP, LLC, et al.,)	
Defendants.))	

Pending before the Court are the Motions in Limine [# 145 & # 149].

Defendant Fred Leonard ("Defendant") moves to exclude any evidence related to how Defendant utilized the funds Plaintiff paid him for marketing purposes. On December 5, 2014, the Court held the Final Pretrial Conference in this matter and heard oral argument as to the pending Motions in Limine.

At the hearing and in its pleadings, Plaintiff indicated that it has no intention of offering evidence regarding how Defendant used these funds. Accordingly, the Court **GRANTS** the motions. [# 145 & # 149]. The Court notes, however, that if counsel for Defendant elicits testimony from Defendant or other witnesses as to how Defendant and RPM Group, LLC spent these funds, then counsel will have opened the door to this line of questioning, and counsel for Plaintiff can inquire as

to whether the funds were used for the Linville Falls Sale Event. Plaintiff would also then be able to introduce evidence and testimony regarding RPM Group, LLC and Defendant's use of the funds.

Signed: January 5, 2015

Dennis L. Howell

United States Magistrate Judge